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Air Pollution Regulations in State Implementation Plans: California, Humboldt County

Abcor, Inc, Wilmington, MA Walden Div

Prepared for

Environmental Protection Agency, Research Triangle Park, NC Control Programs Development Div

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Air Pollution Regulations in State Implementation Plans:

California

Humboldt County

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This document has been produced in compliance with Section 110(h)(1) of the Clean Air Act amendments of 1977. The Federally enforceable regulations contained in the State Implementation Plans (SIPs) have been compiled for all 56 States and territories (with the exception of the Northern Mariana Islands). They consist of both the Federally approved State and/or local air quality regulations as indicated in the Federal Register and the Federally promulgated regulations for the State, as indicated in the Federal Register. Regulations which fall into one of the above categories as of January 1, 1978, have been incorporated. As mandated by Congress, this document will be updated annually. State and/or local air quality regulations which have not been Federally approved as of January 1, 1978, are not included here; omission of these regulations from this document in no way affects the ability of the respective Federal, State, or local agencies to enforce such regulations.

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California

Humboldt County

by

Walden Division of Abcor, Inc.
Wilmington, Massachusetts

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EPA Project Officer: Bob Schell

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U.S. ENVIRONMENTAL PROTECTION AGENCY
Office of Air, Noise, and Radiation
Office of Air Quality Planning and Standards
Research Triangle Park, North Carolina 27711

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INTRODUCTION

This document has been produced in compliance with Section 110(h)(1) of the Clean Air Act Amendments of 1977. The Federally enforceable regulations contained in the State Implementation Plans (SIPs) have been compiled for all 56 States and territories (with the exception of the Northern Mariana Islands). They consist of both the Federally approved State and/or local air quality regulations as indicated in the Federal Register and the Federally promulgated regulations for the State, as indicated in the Federal Register. Regulations which fall into one of the above categories as of January 1, 1978, have been incorporated. As mandated by Congress, this document will be updated annually. State and/or local air quality regulations which have not been Federally approved as of January 1, 1978, are not included here; omission of these regulations from this document in no way affects the ability of the respective Federal, State, or local agencies to enforce such regulations.

There have been recent changes in the Federal enforceability of parking management regulations and indirect source regulations. The October, 1977, appropriation bill for EPA prohibited Federal enforcement of parking management regulations in the absence of specific Federal authorizing legislation. Federally promulgated parking management regulations have, therefore, been suspended indefinitely. Pursuant to the 1977 Clean Air Act Amendments, indirect source regulations may not be required for the approval of a given SIP. Consequently, any State adopted indirect source regulations may be suspended or revoked; State adopted indirect source regulations contained in an applicable SIP are Federally enforceable. More importantly, EPA may only promulgate indirect source review regulations which are specific to Federally funded, operated, or owned facilities or projects. Therefore, the Federally promulgated indirect source regulations appearing in this document are not enforceable by EPA except as they relate to Federal facilities.

Since State air quality regulations vary widely in their organization, content, and language, a standardized subject index is utilized in this document. Index listings consist of both contaminant and activity oriented categories to facilitate usage. For example, for regulations which apply to copper smelters, one might look under sulfur compounds (50.2), particulate matter process weight (50.1.1), or copper smelters (51.15). Federal regulations pertaining to a given State immediately follow the approved State and local regulations.

Additionally, a summary sheet of the information included in each comprehensive document is presented prior to the regulatory text to allow one to quickly assess the contents of the document. Specifically, the summary sheets contain the date of submittal to EPA of each revision

to the SIP and the date of the Federal Register in which the revision was either approved or disapproved by EPA. Finally, a brief description or reference of the regulation which was submitted is also included.

This document is not intended to provide a tool for determining the enforceability of any given regulation. As stated above, it is intended to provide a comprehensive compilation of those regulations which are incorporated directly or by reference into Title 40, Part 52, of the Code of Federal Regulations. Consequently, the exclusion of a Federally approved regulation from this document does not diminish the enforceability of the regulation. Similarly, the inclusion of a given regulation (for example, regulations governing pollutants, such as odors, for which there is no national ambient air quality standards) in this document does not, in itself, render the regulation enforceable.

SUMMARY SHEET

OF

EPA-APPROVED REGULATION CHANGES

HUMBOLDT COUNTY

Submittal Date	Approval Date	Description
6/30/72	9/22/72	Rules 5, 6, 52, 57, 62, 63, 64

DOCUMENTATION OF CURRENT EPA-APPROVED
STATE AIR POLLUTION REGULATIONS

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Regulation I - General Provisions

(2.0) RULE 1 - TITLE

Pursuant to the provisions of Chapter 2, Division 20, of the Health and Safety Code of the State of California, the Air Pollution Control Board of the Humboldt County Air Pollution Control District does hereby enact the following rules and regulations to be known as the Rules and Regulations of the Humboldt County Air Pollution Control District.

(1.0) RULE 2 - DEFINITIONS

Except as otherwise specifically provided in these Rules and Regulations, and except where the context indicates otherwise, words used in these Rules and Regulations are used in exactly the same sense as the same words are used in Chapter 2, Division 20, of the Health and Safety Code.

(a) AGRICULTURAL OPERATION. "Agricultural operation" means the growing and harvesting of crops, including timber, or the raising of fowls, animals or bees as a gainful occupation.

(b) AIR CONTAMINANT. "Air contaminant" includes smoke, dust, charred paper, soot, grime, carbon, noxious acids, fumes, gases, odors, or particulate matter, or any combination thereof.

(c) AIR POLLUTION. "Air pollution" means the presence in the outdoor atmosphere of one or more air contaminants in quantities, characteristics, or duration such that they are or tend to be injurious to human, plant or animal life or to property, or which unreasonably interfere with the enjoyment of life or property.

(d) AIR POLLUTION ABATEMENT OPERATION. "Air pollution abatement operation" means any operation which has as its essential purpose a significant reduction in (a) the the emission of air contaminants or (b) the effect of such emission.

(e) ALTERATION. "Alteration" means any addition to or enlargement or replacement of, or any major modification or change of the design, capacity, process or arrangement, or any increase in the connected loading of, equipment or control apparatus which will significantly increase or adversely affect the kind or amount of air contaminant emitted.

(f) ATMOSPHERE. "Atmosphere" means the air that envelopes or surrounds the earth.

(g) BOARD. "Board" means the Air Pollution Control Board of the Air Pollution Control District of Humboldt County.

(h) COMBUSTIBLE REFUSE. "Combustible refuse" is any solid or liquid combustible waste material containing carbon in a free or combined state.

(i) COMBUSTION CONTAMINANTS. "Combustion contaminants" are particulate matter discharged into the atmosphere from the burning of any kind of material containing carbon in a free or combined state.

(j) CONTROL OFFICER. "Control Officer" means the Air Pollution Control Officer of the Air Pollution Control District of Humboldt County.

(k) DUSTS. "Dusts" are minute solid particles released into the air by natural forces or by mechanical processes such as crushing, grinding, milling, drilling, demolishing, shoveling, conveying, covering, bagging sweeping, etc.

(l) EMISSION. "Emission" means the act of passing into the atmosphere an air contaminant or gas stream which contains an air contaminant, or the air contaminant so passed into the atmosphere.

(m) EMISSION POINT. "Emission point" means the place, located in a horizontal plane and vertical elevation, at which an emission enters the atmosphere.

(n) EXCESS AIR. "Excess air" means the quantity of air required for complete combustion.

(o) HEARING BOARD. "Hearing Board" means the Hearing Board of the Air Pollution Control District of Humboldt County.

(p) INCINERATION. "Incineration" means an operation in which combustion is carried on for the principal purpose, or with the principal result, of oxidizing a waste material to reduce its bulk or facilitate its disposal.

(q) INSTALLATION. "Installation" means the placement, assemblage or construction of equipment or control apparatus at the premises where the equipment or control apparatus will be used, and includes all preparatory work at such premises.

(r) MULTIPLE CHAMBER INCINERATOR. "Multiple chamber incinerator" means any incinerator consisting of three or more refractory-lined combustion chambers in series, physically separated by refractory walls, interconnected by gas passage ports or ducts and employing adequate design parameters necessary for maximum combustion of the material to be burned.

(s) OPEN OUTDOOR FIRE. "Open outdoor fire" means the burning of materials of any type outdoors in the open where the products of

combustion are not directed through an acceptable duct or passage for air, gases or the like, such as a stack or chimney.

(t) OPERATION. "Operation" means any physical action resulting in a change in the location, form or physical properties of a material, or any chemical action resulting in a change in the chemical composition or the chemical or physical properties of a material.

(u) OVERFIRE AIR. "Overfire air" means air introduced into a tepee burner or other type incineration device after the primary combustion has occurred.

(v) OWNER. "Owner" includes but is not limited to any person who leases, supervises or operates equipment.

(w) PARTICULATE MATTER. "Particulate matter" means discrete particles of liquid, other than water, or a solid, as distinguished from a gas or vapor.

(x) PERSON OR PERSONS. "Person or persons" means an individual, public or private corporation, political subdivision, agency, board, department or bureau of the state, municipality, partnership, firm, association, trust or estate, or any other legal entity whatsoever which is recognized in law as the subject of rights and duties.

(y) PROCESS WEIGHT PER HOUR. "Process weight" is the total weight, including contained moisture, of all materials introduced into any specific process which process may cause any discharge into the atmosphere. Solid fuels charged will be considered as part of the process weight, but liquid and gaseous fuels and combustion air will not. The "process weight per hour" will be derived by dividing the total process weight by the number of hours in one complete operation from the beginning of any given process to the completion thereof, excluding any time during which the equipment is idle.

(z) PPM. "ppm" means parts per million by volume (v/v) expressed on a dry gas basis.

(aa) REGULATION. "Regulation" means one of the major subdivisions of the Rules of the Air Pollution Control District of Humboldt County.

(bb) RULE. "Rule" means a rule of the Air Pollution Control District of Humboldt County.

(cc) SECTION. "Section" means section of the Health and Safety Code of the State of California unless some other statute is specifically mentioned.

(dd) STANDARD CONDITION. "Standard condition," as used in these regulations, refers to a gas temperature of 60 degrees Fahrenheit and a gas pressure of 14.7 pounds per square inch absolute. Results of all analyses and tests shall be calculated or reported at this gas temperature and pressure.

(ee) STANDARD CUBIC FOOT OF GAS. "Standard cubic foot of gas" means that amount of the gas which would occupy a cube having dimensions of one foot on each side, if the gas were free of water vapor and at a pressure of 14.7 P.S.I.A. and a temperature of 60 degrees F.

(ff) TEPEE BURNER. "Tepee burner" means a burner of wood wastes, consisting of a single burning chamber having the general features of a truncated cone, and generally used in conjunction with sawmills, lumber mills and similar activities.

(gg) TOTAL REDUCED SULFUR (TRS). "TRS" means total reduced sulfur contained in hydrogen sulfide, mercaptans, dimethyl sulfide, dimethyl disulfide or other organic sulfide compounds, all expressed as hydrogen sulfide. Sulfide dioxide, or sulfuric acid mist are not to be included in the determination of TRS.

(hh) UNDERFIRE AIR. "Underfire air" means air introduced into a tepee burner or other type incineration device beneath the fuel pile or into the primary combustion chamber.

(ii) CONDENSED FUMES. "Condensed fumes" are particulate matter generated by the condensation of vapors evolved after volatilization from the molten state, or may be generated by sublimation, distillation, calcination, or chemical reaction, when these processes create airborne particles.

(jj) NON-CONDENSIBLES. "Non-Condensibles" means the TRS portion of any gases and vapors released in a kraft pulp mill from the digester flash steam condensers, blow tanks, multiple effect evaporator vacuum seal tanks and multiple effect evaporator condensers.

(15.0) RULE 3 - PENALTIES FOR VIOLATIONS

Penalty actions for non-compliance with, or violation of, any rule of these rules and regulations will be instituted pursuant to the following provisions and further pursuant to the provisions of Chapter 2, Division 20 of Health and Safety Code of the State of California.

(a) Every person is guilty of a misdemeanor who knowingly makes any false statement in any application for a permit or in any information, analyses, plans or specifications submitted either in conjunction therewith, or at the request of the Air Pollution Control Officer. (Section 24277).

(b) Every person is guilty of a misdemeanor who builds, erects, alters, replaces, uses, or operates any source capable of emitting air contaminants for which a permit is required by the regulations of the Air Pollution Control District when his permit so to do has been either suspended or revoked. (Section 24278).

(c) Every person required by the regulations of the Air Pollution Control board to obtain a permit so to do who, without first obtaining such permit builds, erects, alters, replaces, uses, or operates any source capable of emitting air contaminants, is guilty of a misdemeanor. (Section 24279).

(d) Every person is guilty of a misdemeanor who builds, erects, alters, or replaces, operates or uses any such article, machine, equipment, or other contrivance contrary to the provisions of any permits issued under these rules and regulations. (Section 24280).

(e) Every person violating any order, rule, or regulation of the Humboldt County Air Pollution Control District is guilty of a misdemeanor. Every day during any portion of which such a violation occurs is a separate offense. (Section 24281).

(15.0) RULE 4 - CIVIL PENALTIES

(a) Pursuant to Section 24252 of the Health and Safety Code of the State of California, any violation of any order, rule or regulation of the Humboldt County Air Pollution Control Board may be enjoyed in a civil action brought in the name of the people of the State of California.

(b) Section 39260 Health and Safety Code. Violation of abatement order civil penalty.

Any person who intentionally or negligently violates any order of abatement issued by any type of air pollution control district pursuant to Section 24260.5, or by the State Air Resources Board pursuant to this part, shall be liable for a civil penalty not to exceed six thousand dollars ($6,000) for each day which such violation occurs.

An order of abatement may be issued under the following circumstances:

Section 24260.5 Health and Safety Code. Authority to issue order for abatement; grounds; hearing.

The air pollution control board may, after notice and a hearing issue, or provide for the issuance by the hearing board, after notice and a hearing of, an order for abatement

whenever the district finds that any person is in violation of Section 24242 or 24243 or any rule or regulation prohibiting or limiting the discharge of air contaminants into the air. The air pollution control board in holding hearings on the issuance of orders for abatement shall have all powers and duties conferred upon the hearing board by this chapter. The hearing board in holding hearings on the issuance of orders for abatement shall have all powers and duties conferred upon it by this chapter.

(c) Section 39261 Health and Safety Code. Violation of Sections 24242, 24243, or rule or regulation; civil penalty.

Any person who intentionally or negligently violates Section 24242, 24243, or any rule or regulation of a county air pollution control district or the State Air Resources Board issued pursuant to this part, prohibiting or limiting the discharge of air contaminants into the air, shall be liable for a civil penalty not to exceed five hundred dollars ($500.00) for each day in which such violation occurs.

Such violations follow:

Section 24242 Health and Safety Code. Discharge of air contaminant; prohibition.

A person shall not discharge into the atmosphere from any single source of emission whatsoever any air contaminant for a period or periods aggregating more than three minutes in any one hour which is:

(a) As dark or darker in shade as that designated as No. 2 on the Ringelmann Chart, as published by the United States Bureau of Mines, or

(b) Of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke described in subsection (a) of this section.

Section 24243 Health and Safety Code. Discharge of injurious or annoying material; prohibition.

Any person shall not discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance or annoyance to any considerable number of persons or to the public or which endanger the comfort, repose, health or safety of any such persons or the public or which cause or have a natural tendency to cause injury or damage to business or property.

(d) Section 39262 Health and Safety Code. Action for civil penalties.

The civil penalties prescribed by Sections 39260 and 39261 shall be assessed and recovered in a civil action brought in the name of the people of the State of California by the Attorney General, by any district attorney or by the attorney of any type of air pollution control district in which the violation occurs in any court of competent jurisdiction. In determining the amount, the court shall take into consideration all relevant circumstances including but not limited to, the extent of harm caused by the violation, the nature and persistence of the violation, the length of time over which the violation occurs, and corrective action, if any, taken by the defendant.

An action brought pursuant to this section to recover such civil penalties shall take special precedence over all civil matters on the calendar of the court except those matters to which equal precedence on the calendar is granted by law.

(15.0) RULE 5 - ENFORCEMENT

(a) The Air Pollution Control Officer, or any authorized deputy officer of the Air Pollution Control District, may arrest a person without a warrant whenever he has reasonable cause to believe that the person to be arrested has committed a misdemeanor in his presence which is a violation of Chapter 2, Division 20 of the Health and Safety Code of the State of California, or which is a violation of the Rules & Regulations of the Humboldt County Air Pollution Control District.

(16.0) RULE 6 - REVIEW OF STANDARDS

The Air Pollution Control Officer may at any time request the Air Pollution Control Board to hold a public hearing for review of current air pollution control technology, to examine the adequacy of the emission limits stated in these Rules and Regulations, or to adopt any new or revised standards that may be necessary. Such hearing shall be held at least once each year on or near the anniversary date of the adoption of these Rules and Regulations.

Regulation II - Permits

(3.0) RULE 10 - PERMITS REQUIRED

(a) AUTHORITY TO CONSTRUCT. Before any person builds, erects, alters, replaces, operates, sells, rents or uses any article, machine, equipment or other contrivance which may cause the issuance of air contaminants or the use of which may eliminate or reduce or

control the issuance of air contaminants, such person shall obtain a written authority to construct from the Air Pollution Control Officer. A single authority to construct may be issued for all components of an integrated system or process. An authority to construct shall remain in effect until the permit to operate the equipment for which the application was filed is granted or denied or the application is cancelled.

(b) PERMIT TO OPERATE. Before any article, machine, equipment or other contrivance described in Rule 10(a) (Authority to Construct) may be operated or used, a written permit shall be obtained from the Air Pollution Control Officer. No permit to operate or use shall be granted either by the Air Pollution Control Officer or the Hearing Board for any article, machine, equipment or contrivance described in Rule 10(a) (Authority to Construct), constructed or installed without authorization is required by Rule 10(a) (Aurhotity to Construct) until the information required is presented to the Air Pollution Control Officer and such article, machine, equipment or contrivance is altered, if necessary, and made to conform to the standards set forth in Rule 20 and elsewhere in these Rules and Regulations.

(c) REVIEW OF PERMITS. The Air Pollution Control Officer may at any time require from an applicant for, or holder of, any authority to construct or permit to operate, such information, analyses, plans or specifications as will disclose the nature, extent, quantity or degree of air contaminants which are or may be discharged into the atmosphere.

(d) POSTING OF PERMIT TO OPERATE. A person who has been granted under Rule 10(b) a permit to operate any article, machine, equipment, or other contrivance described in Rule 10(b), shall firmly affix such permit to operate, an approved facsimile, or other approved identification bearing the permit number upon the article, machine, equipment, or other contrivance in such a manner as to be clearly visible in an accessible place within 25 feet of the article, machine, equipment, or other contrivance, or maintained readily available at all times on the operating premises.

(e) ALTERATION OF PERMIT. A person shall not willfully deface, alter, forge, counterfeit, of falsify any permit issued under these Rules and Regulations.

(f) CONTROL EQUIPMENT. Nothing in this rule shall be construed to authorize the Control Officer to require the use of machinery, devices, or equipment of a particular type or design if the required emission standard may be met by machinery, device, equipment, product, or process change otherwise available.

(3.0) RULE 11 - EXEMPTIONS

An authority to construct or a permit to operate shall not be required for:

(a) Vehicles as defined by the Vehicle Code of the State of California but not including any article, machine, equipment or other contrivance mounted on such vehicle that would otherwise require a permit under the provisions of these Rules and Regulations.

(b) Vehicles used to transport passengers or freight.

(c) Equipment utilized exclusively in connection with any structure which is designed for any used exclusively as a dwelling for not more than four families.

(d) The following equipment:

(1) Comfort air conditioning or comfort ventilating systems which are not designed to remove air contaminants generated by or released from specific units or equipment.

(2) Refrigeration units except those used as, or in conjunction with, air pollution control equipment.

(3) Piston type internal combustion engines.

(4) Water cooling towers and water cooling ponds not used for evaporative cooling of process water or not used for evaporative cooling of water from barometric jets or from barometric condensers.

(5) Equipment used exclusively for steam cleaning.

(6) Presses used exclusively for extruding metals, minerals, plastics or wood.

(7) Equipment used exclusively for space heating other than boilers.

(8) Equipment used for hydraulic or hydrostatic testing.

(9) All sheet-fed printing presses and all other printing presses using exclusively inks containing less than 10 per cent organic solvents, diluents or thinners.

(10) Ovens used exclusively for the curing of plastics which are concurrently being vacuum held to a mold or for the softening or annealing of plastics.

(11) Equipment used exclusively for the dyeing or stripping (bleaching) of textiles where no organic solvents, diluents or thinners are used.

(12) Equipment used exclusively to mill or grind coatings and molding compound where all materials charged are in a paste form.

(13) Crucible type or pot type furnaces with a brimful capacity of less than 450 cubic inches of any molten metal.

(14) Equipment used exclusively for the melting or applying of wax where no organic solvents, diluents or thinners are used.

(15) Equipment used exclusively for bonding lining to brake shoes.

(16) Lint traps used exclusively in conjunction with dry cleaning tumblers.

(17) Equipment used in eating establishments for the purpose of preparing food for human consumption.

(18) Equipment used exclusively to compress or hold dry natural gas.

(19) Tumblers used for the cleaning or deburring of metal products without abrasive blasting.

(20) Shell core and shell mold manufacturing machines.

(21) Molds used for the casting of metals.

(22) Abrasive blast cabinet-dust filter integral combination units where the total internal volume of the blast section is 50 cubic feet or less.

(23) Batch mixers of five cubic feet rate working capacity or less.

(24) Equipment used exclusively for the packaging of lubricants or greases.

(25) Equipment used exclusively for the manufacture of water emulsions of asphalt, greases, oils or waxes.

(26) Ovens used exclusively for the curing of vinyl plastisols by the closed mold curing process.

(27) Equipment used exclusively for conveying and storing plastic pellets.

(28) Equipment used exclusively for the mixing and blending of materials at ambient temperature to make water-based adhesives.

(29) Platen presses used for laminating.

(e) The following equipment or any exhaust system or collector serving exclusively such equipment:

(1) Blast cleaning equipment using a suspension of abrasive in water.

(2) Ovens, mixers and blenders used in bakeries where the products are edible and intended for human consumption.

(3) Kilns used for firing ceramic ware, heated exclusively by natural gas, liquefied petroleum gas, electricity or any combination thereof.

(4) Laboratory equipment used exclusively for chemical or physical analysis and bench scale laboratory equipment.

(5) Equipment used for inspection of metal products.

(6) Confection cookers where the products are edible and intended for human consumption.

(7) Equipment used exclusively for forging, pressing, rolling or drawing of metals or for heating metals immediately prior to forging, pressing, rolling or drawing.

(8) Die casting machines.

(9) Atmosphere generators used in connection with metal heat treating processes.

(10) Photographic process equipment by which an image is reproduced upon material sensitized to radiant energy.

(11) Brazing, soldering, or welding equipment.

(12) Equipment used exclusively for the sintering of glass or metals.

(13) Equipment using aqueous solutions for surface preparation, cleaning, stripping, etching (does not include chemical milling) or the electrolytic plating with, electrolytic polish-

ing of, or the electrolytic stripping of brass, bronze, cadmium, copper, iron, lead, nickel, tin, zinc, and precious metals.

(14) Equipment used for washing or drying products fabricated from metal, cloth, fabric, or glass, provided that no oil or solid fuel is burned.

(15) Laundry dryers, extractors or tumblers used for fabrics cleaned only with water solutions of bleach or detergents.

(16) Foundry sand mold forming equipment to which no heat is applied.

(17) Ovens used exclusively for curing potting materials or castings made with epoxy resins.

(18) Equipment used to liquefy or separate oxygen, nitrogen or the rare gases from the air.

(19) Equipment used for compression molding and injection molding of plastics.

(20) Mixers for rubber or plastics where no material in powder form is added and no organic solvents, diluents or thinners are used.

(21) Equipment used exclusively to grind, blend or package tea, cocoa, spices or roasted coffee.

(22) Equipment used exclusively to package pharmaceuticals and cosmetics or to coat pharmaceutical tablets.

(23) Roll mills or calenders for rubber or plastics where no organic solvents, diluents or thinners are used.

(24) Vacuum producing devices used in laboratory operations or in connection with other equipment which is exempt by Rule 11.

(f) Steam generators, steam superheaters, water boilers, water heaters, and closed heat transfer systems that are fired exclusively with natural gas or liquified petroleum gas or any combination thereof.

(g) Natural draft hoods, natural draft stacks or natural draft ventilators where no organic solvents, diluents, or thinners are used.

(h) Containers, reservoirs, or tanks used exclusively for:

(1) Dipping operations for coating objects with oils, waxes, or greases where no organic solvents, diluents or thinners are used.

(2) Dipping operations for applying coatings of natural or synthetic resins which contain no organic solvents.

(3) Storage of liquified gases.

(4) Unheated storage of organic materials with an initial boiling point of 300° F or greater.

(5) The storage of fuel oils and lubricating oils.

(6) The storage of organic liquids, except gasoline, normally used as solvents, diluents or thinners, inks, colorants, paints, lacquers, enamels, varnishes, liquid resins or other surface coatings.

(7) The storage of liquid soaps, liquid detergents, waxes, wax emulsions, or vegetable oils.

(8) The storage of asphalt.

(9) Unheated solvent dispensing containers, unheated non-conveyorized solvent rinsing containers or unheated non-conveyorized coating dip tanks of 1,000 gallons capacity or less.

(10) Transporting materials on streets or highways.

(11) Gasoline storage tanks having a capacity of less than 250 gallons.

(i) Natural gas-fired or liquefied petroleum gas-fired or electrically heated furnaces for heat treating glass or metals, the use of which does not involve molten materials.

(j) Crucible furnaces, pot furnaces or induction furnaces, with a capacity of 1,000 pounds or less each, in which no sweating or distilling is conducted and from which only the following metals are poured or in which only the following metals are held in a molten state:

(1) Aluminum or any alloy containing over 50 percent aluminum.

(2) Magnesium or any alloy containing over 50 percent magnesium.

(3) Lead or any alloy containing over 50 percent lead.

(4) Tin or any alloy containing over 50 percent tin.

(5) Zinc or any alloy containing over 50 percent zinc.

(6) Copper.

(7) Precious metals.

(k) Vacuum cleaning systems used exclusively for industrial, commercial or residential housekeeping purposes.

(l) Structural changes which cannot change the quality, nature or quantity of air contaminant emissions.

(m) Repairs or maintenance not involving structural changes to any equipment for which a permit has been granted.

(n) Identical replacements in whole or in part of any article, machine equipment or other contrivance where a permit to operate had previously been granted for such equipment under Rule 10.

(o) Any article, machine, equipment, contrivance or their exhaust systems, the discharge from which contains air contaminants only in the form of radioactive materials.

Atomic energy development and radiation protection are controlled by the State of California to the extent it has jurisdiction thereof, in accordance with the advice and recommendations made to the governor by the Advisory Council on Atomic Energy Development and Radiation Protection. Such development and protection are fully regulated by the United States Atomic Energy Commission to the extent that such authority has not been delegated to the states.

(3.0) RULE 12 - TRANSFER

Any permit or written authorization issued hereunder shall not be transferable, by operation of law or otherwise, from one location to another, from one piece of equipment to another, or from one person to another.

(3.0) RULE 14 - APPLICATIONS

Every application for an authority to construct or any permit required under Rule 10 shall be filed in the manner prescribed by the Air Pollution Control Officer, on a form prescribed by the Air Pollution Control Officer, and shall give all the information necessary to enable the Air Pollution Control Officer to make the determination required by Rule 20 thereof.

(3.0) RULE 17 - CANCELLATION OF APPLICATIONS

An authority to construct shall expire and the application shall be cancelled one year from the date of issuance of the authority to construct; provided, however, that when a period of longer than one year is stated in the application to be required for the construction, the authority to construction shall expire and the application shall be cancelled upon the expiration of such construction period, but in any event not later than five years from the date of issuance of the authority to construct.

(3.0) RULE 18 - ACTION ON APPLICATIONS

The Air Pollution Control Officer shall act within 60 days on an application for authority to construct, or permit to operate or permit to sell or rent, as stated in Section 24263 of the Health and Safety Code, and shall notify the applicant in writing by mail or in person of the action taken; namely, approval, conditional approval, or denial. Notice of the action taken shall be deemed to have been given when the written notification has been deposited in the mail, postpaid, addressed to the address shown on the application, or when personally delivered to the applicant or his representative.

(3.0) RULE 19 - PROVISIONS OF SAMPLING AND TESTING FACILITIES
(9.0)

A person operating or using any article, machine, equipment or other contrivance for which these rules require a permit shall provide and maintain such sampling and testing facilities as specified in the authority to construct or permit to operate.

(3.0) RULE 20 - STANDARDS FOR GRANTING APPLICATIONS

(a) The Air Pollution Control Officer shall deny an authority to construct, permit to operate or use, or permit to sell or rent, except as provided in Rule 21, if the applicant does not show that every article, machine, equipment or other contrivance, the use of which may cause the issuance of air contaminants or the use of which may eliminate or reduce or control the issuance of air contaminants, is so designed, controlled, or equipped with such air pollution control equipment that it may be expected to operate without emitting air contaminants in violation of Sections 24242 or 24243, Health and Safety Code, or of these regulations.

(b) Before an authority to construct or a permit to operate is granted, the Air Pollution Control Officer may require the applicant to provide and maintain such facilities as are necessary for sampling and testing purposes in order to secure information that will disclose the nature, extent, quantity or degree of air contaminants discharged into the atmosphere from the article, machine, equipment or other contrivance described in the author-

ity to construct or permit to operate. In the event of such a requirement, the Air Pollution Control Officer shall notify the applicant in writing of the required size, number and location of sampling holes; the size and location of the sampling platform; the access to the sampling platform; and the utilities for operating the sampling and testing equipment. The platform and access shall be constructed in accordance with the General Industrial Safety Orders of the State of California.

(c) In acting upon a permit to operate, if the Air Pollution Control Officer finds that the article, machine, equipment or other contrivance has not been constructed in accordance with the authority to construct, he shall deny the permit to operate. The Air Pollution Control Officer shall not accept any further application for permit to operate the article, machine, equipment or other contrivance so constructed until he finds that the article, machine, equipment or other contrivance has been constructed in accordance with the authority to construct.

(3.0) RULE 21 - CONDITIONAL APPROVAL

(a) The Air Pollution Control Officer may issue an authority to construct or a permit to operate or use, subject to conditions which will bring the operation of any article, machine, equipment or other contrivance within the standards of Rule 20, in which case the conditions shall be specified in writing. Commencing work under such an authority to construct or operation under such a permit to operate shall be deemed acceptance of all the conditions so specified. The Air Pollution Control Officer shall issue an authority to construct or a permit to operate with revised conditions upon receipt of a new application, if the applicant demonstrates that the article, machine, equipment or other contrivance can operate within the standards of Rule 20 under the revised conditions.

(b) The Air Pollution Control Officer may issue a permit to sell or rent, subject to conditions which will bring the operation of any article, machine, equipment or other contrivance within the standards of Rule 20, in which case the conditions shall be specified in writing. Selling or renting under such a permit to sell or rent shall be deemed acceptance of all the conditions so specified. The Air Pollution Control Officer shall issue a permit to sell or rent with revised conditions upon receipt of a new application, if the applicant demonstrates that the article, machine, equipment or other contrivance can operate within the standards of Rule 20 under the revised conditions.

(3.0) RULE 22 - DENIAL OF APPLICATIONS

In the event of denial of an authority to construct, permit to operate or permit to sell or rent, the Air Pollution Control Officer shall notify the applicant in writing of the reasons therefor. Service of this notification may be made in person or by mail, addressed to the applicant at the address set forth on the application, and such service may be proved by the written acknowledgement of the persons served or affidavit of the person making the service. The Air Pollution Control Officer shall not accept a further application unless the applicant has complied with the objections specified by the Air Pollution Control Officer as his reasons for denial of the authority to construct, the permit to operate or the permit to sell or rent.

(3.0) RULE 23 - FURTHER INFORMATION

Before acting on an application for authority to construct, permit to operate or permit to sell or rent, the Air Pollution Control Officer may require the applicant to furnish further information or further plans or specifications.

(3.0) RULE 24 - APPLICATIONS DEEMED DENIED

The applicant may at his option deem the authority to construct, permit to operate or permit to sell or rent denied if the Air Pollution Control Officer fails to act on the application within 60 days after filing, or within 30 days after applicant furnishes the further information, plans and specifications requested by the Air Pollution Control Officer, whichever is later.

(3.0) RULE 25 - APPEALS

Within 10 days after notice by the Air Pollution Control Officer of denial or conditional approval of an authority to construct, permit to operate or use or permit to sell or rent, or within 10 days after the application is denied pursuant to Rule 24, the applicant may petition the Hearing Board, in writing, for a public hearing. The Hearing Board, after notice and a public hearing held within 30 days after filing the petition, may sustain, reverse or modify the action of the Air Pollution Control Officer; such order may be made subject to specified conditions.

Regulation III - Fees

(2.0) RULE 40 - PERMIT FEES
(3.0)

The term fees used herein means fees as set forth on the schedule adopted by the Air Pollution Control Board.

Every applicant, except any state or local governmental agency or public district, who applies for an authority to construct or a permit to operate any article, machine, equipment, or other contrivance for which an authority to construct or permit to operate is required by the state law or by the Rules and Regulations of the Air Pollution Control District, shall pay a filing fee. Where an application is filed for a permit to operate any article, machine, equipment or other contrivance by reason of transfer from one person to another, and where a permit to operate had previously been granted under Rule 10 and no alteration, addition or transfer of location has been made, the applicant shall pay a filing fee.

Where a single permit to operate has been granted under Rule 10, and where the Air Pollution Control Officer would have issued separate or revised permits for each permit unit included in the original application, the Air Pollution Control Officer may issue such separate or revised permits without fees.

A request for duplicate permit to operate shall be made in writing to the Air Pollution Control Officer within 10 days after the destruction, loss or defacement of a permit to operate. A fee shall be charged, except to any state or local governmental agency or public district for issuing a duplicate permit to operate.

(2.0) (16.0) RULE 42 - HEARING BOARD FEES

(a) Every applicant or petitioner for variance, or for the extension, revocation or modification of a variance, or for an appeal from a denial or conditional approval of an authority to construct, permit to operate or permit to sell or rent, except any state or local governmental agency or public district, shall pay to the Clerk of the Hearing Board, on filing, a fee. It is hereby determined that the cost of administration of Article 5, Chapter 2, Division 20, Health and Safety Code or Rule 25 of these Rules and Regulations, exceeds the fee set by the fee schedule.

(b) Any person requesting a transcript of the hearing shall pay the cost of such transcript.

(c) This rule shall not apply to petitions filed by the Air Pollution Control Officer.

(2.0) RULE 44 - TECHNICAL REPORTS, CHARGES FOR

Information, circulars, reports of technical work, and other reports prepared by the Air Pollution Control District, when supplied to other governmental agencies or individuals or groups requesting copies of the same, may be charged for by the District in a sum not to exceed the cost of preparation and distribution of such documents. All such monies collected shall be deposited with the Treasurer of the County of Humboldt.

(50.1.2) RULE 50 - VISUAL EMISSION STANDARD

In accordance with Section 24242, Chapter 2, Division 20, Article 3, of the California State Health and Safety Code, a person shall not discharge into the atmosphere from any single source of emission whatsoever any air contaminant for a period or periods aggregating more than three minutes in any one hour which is:

(a) As dark or darker in shade as that designated as Number 2 on the Ringelmann Chart, as published by the United States Bureau of Mines, or

(b) Of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke described in subsection (a) of this unit.

(c) This rule shall not apply when the presence of uncombined water is the only reason for the failure of the emission to meet the requirements of this rule.

(50.0) RULE 51 - PROHIBITED EMISSIONS

A person shall not discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance or annoyance to any considerable number of persons or to the public or which endanger the comfort, repose, health or safety of any such persons or the public or which cause or have a natural tendency to cause injury to business or property.

(50.1) RULE 52 - PARTICULATE MATTER (Add new Basin Rule)

(a) A person shall not discharge combustion contaminants into the atmosphere from any emission point in excess of 0.2 grain per standard cubic foot of exhaust gas, adjusted to 50 percent excess air or calculated to 12 percent carbon dioxide.

(b) A person shall not discharge in any one hour from any source whatsoever, dust, condensed fumes, or other particulate matter at a concentration in excess of 0.2 grain per standard cubic foot of exhaust gas or in total quantities in excess of the amount shown in Table I, whichever is the more restrictive condition.

TABLE I

ALLOWABLE RATE OF EMISSION BASED ON

PROCESS WEIGHT RATE

Process weight Rate		Rate of Emission	Process Weight Rate		Rate of Emission
Lb/Hr	Tons/Hr	Lb/Hr	Lb/Hr	Tons/Hr	Lb/Hr
100	0.05	0.551	6,000	3.00	8.56
200	0.10	0.877	7,000	3.50	9.49
400	0.20	1.40	8,000	4.00	10.4
600	0.30	1.83	9,000	4.50	11.2
800	0.40	2.22	10,000	5.00	12.0
1,000	0.50	2.58	12,000	6.00	13.6
1,500	0.75	3.38	16,000	8.00	16.5
2,000	1.00	4.10	18,000	9.00	17.9
2,500	1.25	4.76	20,000	10.	19.2
3,000	1.50	5.38	30,000	15.	25.2
3,500	1.75	5.96	40,000	20.	30.5
4,000	2.00	6.52	50,000	25.	35.4
5,000	2.50	7.58	60,000 or more	30.	40.0

Where the process weight per hour is between two listed figures, such process weight and maximum allowable particulate emission per hour shall be interpolated accordingly. The total process weight of all similar process operations located at a single plant or of multiple plants located on a single premise shall be used for determining the maximum allowable particulate emission from the combination of such operations.

(51.13) RULE 53 - OPEN FIRES

(a) No person shall ignite or cause to be ignited or suffer, allow or maintain any open outdoor fire for the purpose of disposal of petroleum or plastic wastes, demolition debris, tires, tar, trees, wood waste or other combustible refuse; or for metal salvage or burning of automobile bodies; except the following:

(1) Fires used only for the cooking of food for human beings or for recreational purposes.

(2) Fires coming within the provisions of Section 24245 of the Health and Safety Code of the State of California as it now is or as it may be amended hereafter.

(3) Fires used in agricultural operations as authorized pursuant to Chapter 10, Article 4 of the California Health and Safety Code.

(4) Fires used for the disposal of combustible or flammable solid waste of a single, or two-family dwelling on its premises.

(5) Fires for which a permit has been granted by the Air Pollution Control Officer pursuant to Rule 10 of these regulations.

(b) Nothing in this regulation shall be construed as permitting any fires otherwise prohibited by law, and nothing in this regulation shall be construed as prohibiting any fire otherwise required by law.

(51.9) RULE 54 - INCINERATOR BURNING

No person shall ignite, or cause to be ignited, permit to be ignited or suffer, allow or maintain any ignited combustible refuse in any incinerator unless such operation meets the requirements specified in these Rules and Regulations.

(2.0) RULE 55 - EXCEPTIONS

The provisions of Rules 50 and 52 do not apply to:

(a) Smoke from fires set by or permitted by any public officer is such fire is set or permission given in the performance of the official duty of such officer and such fire in the opinion of such officer is necessary:

(1) For the purpose of the prevention of a fire hazard which cannot be abated by any other means, or

(2) For the instruction of public employees in the methods of fighting fire.

(b) Smoke from fires pursuant to permit on property used for industrial purposes for the purpose of instruction of employees in methods of fighting fire.

(c) Smoke from burning for which a permit has been issued by the Air Pollution Control Officer.

(d) Agricultural operations in the growing of crops or raising of fowls, animals, or bees.

(e) The use of other equipment in agricultural operations in the growing of crops, or raising of fowls, animals or bees.

(50.2) RULE 56 - SULFUR OXIDE EMISSIONS

(a) A person shall not discharge into the atmosphere from any single source of emissions whatsoever sulfur oxides, calculated as sulfur dioxide (SO_2), in excess of 1,000 ppm.

(b) It shall be unlawful for any person to cause or permit the emission of sulfur dioxide from any premises which will result in concentrations and time durations at ground level that exceed those shown in the following table:

TABLE II

MAXIMUM ALLOWABLE SULFUR DIOXIDE
GROUND-LEVEL CONCENTRATIONS

*Concentration	Time Duration
0.5 ppm	1 hour
0.04 ppm	24 hours

*Parts per million by volume.

(c) Any person demonstrated by the Control Officer to be emitting sulfur oxides resulting in ground-level concentrations and durations in excess of Table II above shall be required to install and continuously operate recording instruments in at least three locations surrounding the emission point. Such locations are to be approved by the Control Officer.

(d) Such person shall provide to the Control Officer a summary of the data obtained from such instruments during each calendar month. The form of presentation of the data will be specified by the Control Officer.

(50.2) RULE 57 - SULFIDE EMISSION STANDARD

(a) A person shall not discharge total reduced sulfur (TRS), as defined in Rule 2 (gg), into the atmosphere from any single emission point at a concentration exceding 60 parts per million by volume, or in excess of the total daily weight calculated by the formula:

$$\text{TRS (pounds per day)} = 0.012\ (H_s)^2$$

whichever is the more restrictive condition, where H_s is the height in feet of the emission point above Mean Ground Elevation. Mean Ground Elevation shall be computed as the arithmetic average of the highest and lowest ground-level elevation within a 1,000-yard radius of the emission point. In no case is the lowest ground-level elevation to be less than mean sea level.

(b) In any integrated manufacturing facility designed for conversion of wood materials into pulp and/or paper. Wood materials used exclusively for fuel are not to be considered as charge to the conversion process.

The total maximum allowable monthly TRS emissions released to the atmosphere must not exceed 0.8 pounds of TRS per ton of dry wood charged into the conversion process.

(c) It shall be unlawful for any person to cause or permit the emission of air contaminants from any premises which will result in ground-level concentrations of TRS, expressed as hydrogen sulfide, in excess of 0.03 ppm for a period of 60 minutes.

(d) A person complying with the requirements of Rule 57 (a) and releasing in excess of 100 pounds per day of TRS from a single emission point shall be required to provide, install, maintain and continuously operate a recording instrument at such emission point which will record the concentrations of TRS emissions. At least one such recording instrument shall be installed in the exhaust stacks; from kraft recovery furnace flue gas systems at the point of emission to the atmosphere and from kraft pulp mill lime kilns. The recording section of such instruments shall be installed in a location subject to frequent operator surveillance or equipped with suitable alarm devices.

(e) Where the Control Officer demonstrates by standardized analytical chemistry procedures that the requirements of Rule 57(c) have been violated on at least three separate occasions within a one-month period, the person causing said violation shall provide, install, maintain and operate a recording instrument, located at ground level, which will monitor the TRS concentration at the property limits. Location of said monitoring instrument is to be approved by the Control Officer.

(f) Emissions exceeding the limits established by Rule 57(c) shall not constitute a violation provided such emissions, from the emission point to the point of such concentration, are on the property controlled by the person responsible for such emissions.

(g) A summary of the data obtained under the provisions of Rule 57 (b), Rule 57(d), and Rule 57(e), if applicable, shall be submitted to the Control Officer once each calendar month no later than the fifteenth day of the following calendar month. This summary shall be presented in the manner and form as prescribed by the Air Pollution Control Officer.

(h) A person shall not discharge non-condensibles as defined in Rule 2 (jj), into the atmosphere from any emission point, until said non-condensibles have been treated in an air pollution abatement operation for removal, thermal oxidation or chemical destruction of the TRS compounds contained therein. The net emission of non-condensibles from any such air pollution abatement operation shall not exceed a TRS concentration of 60 parts per million by volume for a period or periods aggregating more than 30 minutes in any 24 hour period, or in excess of a total daily weight of 100 pounds of TRS whichever is the more restrictive condition.

(7.0) RULE 59 - REPORT OF BREAKDOWN

Emissions exceeding any of the limits established by Regulation IV are a direct result of unavoidable upset conditions or unforeseeable breakdown of equipment or control apparatus shall not be deemed in violation provided the following requirements are met:

(a) The upset or breakdown is immediately reported to the Humboldt County Air Pollution Control District.

(b) The person responsible shall, upon the request of the Control Officer, submit a full report, including the known causes and the preventive measures to be taken to minimize or eliminate a reoccurence.

(c) The Control Officer upon investigation concurs that the upset of breakdown was unavoidable or unforeseeable.

(d) An initial determination that an upset condition is unavoidable or breakdown unforeseeable made by the Air Pollution Control Officer within (c) shall not be binding upon successive periods where the Air Pollution Control Officer determines immediate remedial efforts have not been instituted and corrective action not concluded within a reasonable time under the circumstances.

(2.0) RULE 60 - CIRCUMVENTION

A person shall not build, erect, install, or use any article, machine, equipment or other contrivance, the use of which, without resulting in a reduction in the total release of air contaminants to the atmosphere, reduces or conceals an emission which would otherwise constitute a violation of Division Rules Chapter 2, of the Health and Safety

Code of the State of California or of these Rules and Regulations. This rule shall not apply to cases in which the only violation involved is of Section 24243 of the Health and Safety Code of the State of California, or of Rule 51 of these Rules and Regulations.

(51.16) RULE 63 - GASOLINE LOADING AND STORAGE (Add new California State requirements).

All Storage tanks, equipment, facilities and provisions for the loading and storage of gasoline, shall conform with the requirements of Sections 39068.2, 39068.3, 39068.4 and 39068.5 of the California Health and Safety Code and any future amendments thereto.

(51.1) RULE 64 - ORCHARD HEATERS (Add new California State requirements)

(a) No new orchard, vineyard or citrus heater produced or manufactured shall be sold for use against frost damage unless it has been approved by the California Air Resources Board.

(b) The continued use of orchard heaters that will not comply with these regulations, will be permitted until 1 January 1975, if provisions of these regulations would preclude the use of such heaters and be a serious ecomonic hardship to the owners or operators of the heaters or the practical elimination of agricultural operations now being carried out within the District (H and S 24265.5). After 1 January 1975, all orchard heaters shall be of a type which produces unconsumed solid carbonaceous matter at a rate of not more than one (1) gram per minute.

Regulation V

Procedure Before the Hearing Board

(16.0) RULE 75 - GENERAL

This regulation shall apply to all hearings before the Hearing Board of the Air Pollution Control District.

(16.0) RULE 76 - FILING PETITIONS

Requests for hearing shall be initiated as specified in the Health and Safety Code by the filing of a petition with the Clerk of the Hearing Board at the Humboldt County Air Pollution Control District, 5630 South Broadway, Eureka, California, 95501, and the payment of the fee provided for in Rule 42 of these Rules and Regulations, after service of a copy of the petition has been made on the Air Pollution Control Officer at 5630 South Broadway, Eureka, California, 95501, and one copy on the holder of the permit or variance, if any, involved. Service may be made in person or by mail and service may be proved by written acknowledgment of the person served or by the affidavit of the person making the service.

(16.0) RULE 77 - CONTENTS OF PETITIONS

Every petition shall state:

(a) The name, address, and telephone number of the petitioner or other person authorized to receive service of notices.

(b) Whether the petitioner is an individual, co-partnership, corporation, and the names and addresses of the persons in control, if other entity.

(c) The type of business or activity involved in the application and the street address at which it is conducted.

(d) A brief description of the article, machine, equipment or other contrivance, if any, involved in the application.

(e) The section or rule under which the petition is filed, that is, whether petitioner desires a hearing:

(1) To determine whether a permit shall be revoked or suspended permit reinstated under Section 24274, Health and Safety Code of the State of California.

(2) For a variance under Section 24292, Health and Safety Code.

(3) To revoke or modify a variance under Section 24298, Health and Safety Code.

(4) To review the denial or conditional granting of an authority to construct, permit to operate or permit to sell or rent under Rule 25 of these Rules and Regulations.

(f) Each petition shall be signed by the petitioner, or by some person on his behalf, and where the person signing is not the petitioner it shall set forth his authority to sign.

(g) Petitions for revocation of permits shall allege in addition the rule under which permit was granted, the rule or section which is alleged to have been violated, together with a brief statement of the facts constituting such alleged violation.

(h) Petitions for reinstatement of suspended permits shall allege in addition the rule under which the permit was granted, the request and alleged refusal which formed the basis for such suspension, together with a brief statement as to why information requested, if any, was not furnished, whether such information is believed by petitioner to be pertinent, and if so, when it will be furnished.

(i) All petitions shall be typewritten, double-spaced, on legal or letter size paper, on one side of the paper only, leaving a margin of at least one inch at the top and left side of each sheet.

(5.0) RULE 78 - PETITIONS FOR VARIANCE

In addition to the matters required by Rule 77, petitions for variances shall state briefly:

(a) The section, rule or order complained of.

(b) The facts showing why compliance with the section, rule or order is unreasonable.

(c) For what period of time the variance is sought and why.

(d) The damage or harm resulting or which would result to petitioner from the compliance with such section, rule or order.

(e) The requirements which petitioner can meet and the date when petitioner can comply with such requirements.

(f) The advantages and disadvantages to the residents of the district resulting from requiring compliance or resulting from granting a variance.

(g) Whether or not operations under such variance, if granted, would constitute a nuisance.

(h) Whether or not any case involving the same identical equipment or process is pending in any court, civil or criminal.

(i) Whether or not the subject equipment or process is covered by a permit to operate issued by the Air Pollution Control Officer.

(16.0) RULE 79 - APPEAL FROM DENIAL

A petition to review a denial or conditional approval of an authority to construct, permit to operate or permit to sell or rent shall, in addition to the matters required by Rule 77, set forth a summary of the application or a copy thereof and the alleged reasons for the denial or conditional approval and the reasons for appeal.

(16.0) RULE 80 - FAILURE TO COMPLY WITH RULES

The Clerk of the Hearing Board shall not accept for filing and petition which does not comply with these Rules relating to the form, filing and service of petitions unless the chairman or any two members of the Hearing Board direct otherwise and confirm such direction

in writing. Such direction need not be made at a meeting of the Hearing Board. The chairman or any two members, without a meeting, may require the petitioner to state further facts or reframe a petition so as to disclose clearly the issues involved.

(16.0) RULE 82 - ANSWERS

Any person may file an answer within 10 days after service. All answers shall be served in the manner prescribed for service of petitions under Rule 76.

(16.0) RULE 83 - DISMISSAL OF PETITION

The petitioner may dismiss his petition at any time before submission of the case to the Hearing Board, without a hearing or meeting of the Hearing Board. The Clerk of the Hearing Board shall notify all interested persons of such dismissal.

(16.0) RULE 84 - PLACE OF HEARING

All hearings shall be held at the County Supervisors' Chambers, Humboldt County Courthouse, Eureka, California, unless some other place is designated by the Hearing Board.

(16.0) RULE 85 - NOTICE OF HEARING

The Clerk of the Hearing Board shall mail or deliver a notice of hearing to the petitioner, the Air Pollution Control Officer, the holder of the permit or variance involved, if any, and to any person entitled to notice under Sections 24275, 24295, or 24299, Health and Safety Code.

(16.0) RULE 86 - EVIDENCE

(a) Oral evidence shall be taken only on oath or affirmation.

(b) Each party shall have these rights: To call and examine witnesses; to introduce exhibits; to cross-examine opposing witnesses on any matter relevant to the issues even though that matter was not covered in the direct examination; to impeach any witness regardless of which part first called him to testify; and to rebut the evidence against him. If respondent does not testify in his own behalf, he may be called and examined as if under cross-examination.

(c) The hearing need not be conducted according to technical rules relating to evidence and witnesses. Any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule

which might make improper the admission of such evidence over objection in civil actions. Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence but shall not be sufficient in itself to support a finding unless it would be admissable over objection in civil actions. The rules of privilege shall be effective to the same extent that they are now or hereafter may be recognized in civil actions and irrelevant and unduly repetitious evidence shall be excluded.

(16.0) RULE 87 - PRELIMINARY MATTERS

Applications for setting a date for a hearing, granting continuances, approving petitions for filing, allowing amendments and other preliminary rulings not determinative of the merits of the case may be granted by the chairman or any two members of the Hearing Board ex parte. Written notice of any action taken under this rule shall be given to all parties by the party requesting the action.

(16.0) RULE 88 - OFFICIAL NOTICE

The Hearing Board may take official notice of any matter which may be judicially noticed by the courts of this state.

(16.0) RULE 89 - CONTINUANCES

The chairman or any two members of the Hearing Board shall grant any continuance of 15 days or less, concurred in by the petitioner, the Air Pollution Control Officer and by every person who has filed an answer in the action and may grant any reasonable continuance; in either case such action may be ex parte. Written notice of any action taken under this Rule shall be given to all parties by the party requesting the action.

(16.0) RULE 90 - DECISION

The decision shall be in writing, served and filed within 30 days after submission of the cause by the parties thereto and shall contain a brief statement of facts found to be true, the determination of the issues presented and the order of the Hearing Board. A copy shall be mailed or delivered to the Air Pollution Control Officer, the petitioner and to every person who has filed an answer or who has appeared as a party in person or by counsel at the hearing.

(16.0) RULE 91 - EFFECTIVE DATE OF DECISION

The decision shall become effective 15 days after delivering or mailing a copy of the decision, as provided in Rule 90, or the Hearing Board may order that the decision shall become effective sooner.

(16.0) RULE 95 - LACK OF PERMIT
(3.0)

The Hearing Board shall not receive or accept a petition for a variance for the operation or use of any article, machine, equipment or other contrivance until a permit to operate has been granted or denied by the Air Pollution Control Officer except under the following conditions:

(a) An appeal from a denial of a permit to operate and a petition for a variance may be filed with the Hearing Board in a single petition.

(b) The Control Officer may petition the Hearing Board to grant a variance or extension of initial compliance for any individual operation or group of operations.

A variance granted by the Hearing Board after a denial of a permit to operate by the Air Pollution Control Officer may include a permit to operate for the duration of the variance.

Regulation VI - Episode Procedures

This regulation is designed to prevent the excessive buildup of air contaminants during air pollution episodes and to avoid any possibility of a catastrophe caused by toxic concentrations of air contaminants. Past history indicates that the possibility of such a catastrophe is extremely remote.

The Air Pollution Control Board deems it desirable to have ready an adequate plan to prevent such an occurrence, and in case of the happening of this unforeseen event, to provide for adequate actions to protect the health of the citizens in the Air Pollution Control District.

(8.0) RULE 150 - GENERAL

Notwithstanding any other provisions of these rules and regulations, the provisions of this regulation shall apply within the boundaries of the Humboldt Bay Air Basin as described in Appendix A for the control of emissions of air contaminants during any air pollution episode as provided herein.

(8.0) RULE 151 - SAMPLING STATIONS

The Air Pollution Control Officer shall maintain atmospheric sampling stations adequately equipped at strategic locations known to give representative indications of impending episode conditions. The Air Pollution Control Officer may maintain such additional sampling stations as may be necessary. These additional stations may be permanent, temporary, fixed, or mobile, and may be activated upon orders of the Air Pollution Control Officer.

(8.0) RULE 152 - DECLARATION OF AIR POLLUTION EPISODES

An air contaminant sampling network shall be actuated by a forecast of stagnant atmospheric conditions by the local weather forecast station. The Air Pollution Control Officer shall declare the appropriate episode condition whenever the concentration of any air contaminant has been verified to have reached the standards set forth in the following table.

TOXIC AIR POLLUTANT LEVELS
IN MICROGRAMS PER CUBIC METER
(Based on 24 hour average values)

	Alert	Warning
Particulate Matter	250	500
Sulfur Oxides	800 (0.3 ppm)	1600 (0.6 ppm)
Nitrogen Oxides	300 (0.15 ppm)	600 (0.3 ppm)

ALERT - The "Alert" level is that concentration of air pollutants at which first stage control actions are to begin. An "Alert" will be declared when any one of the above levels is exceeded and meteorological conditions are such that this condition can be expected to continue for twelve (12) or more hours.

WARNING - The "Warning" level indicates that air quality is continuing to degrade and that additional abatement actions are necessary.

EMERGENCY - An "Emergency" level will be declared when the "Warning" level for a pollutant has been exceeded and the concentrations of the pollutant are continuing to rise.

TERMINATION - Any status reached by application of the above criteria will remain in effect until the criteria for that level are no longer met. At such time the next lower status will be assumed.

(8.0) RULE 153 - NOTIFICATION OF EPISODE CONDITIONS

(a) Following the declaration of an air pollution episode, the Air Pollution Control District shall communicate notification of the condition to:

(1) The general public through the local news media.

(2) All fire districts within the boundaries of the Humboldt Bay Air Basin as described in Appendix A.

(3) The office of Civil Defense and Disaster Relief of the County of Humboldt.

(4) Air polluting industrial plants and processes which require notification to place in effect prearranged plans to reduce the output of air contaminants.

(8.0) RULE 154 - ALERT ACTIONS

(a) All permits for open burning operations in the affected area shall be immediately cancelled.

(b) The use of incinerators for the disposal of any form of solid waste shall be limited to the hours between 11:00 a.m. and 5:00 p.m.

(c) All power generating facilities shall switch to natural gas or to use of low sulfur fuels.

(8.0) RULE 155 - WARNING ACTIONS

(a) All permits for open burning operations in the affected area shall be immediately cancelled.

(b) The use of incinerators for the disposal of any form of solid or liquid waste shall be prohibited.

(c) Persons operating motor vehicles shall be advised by the local news media to restrict in any way possible all unneccessary operations.

(d) All industrial facilities shall be advised to cease, postpone, or defer all operations leading to the creation of air contaminants.

(8.0) RULE 156 - EMERGENCY ACTIONS

(a) There shall be no open burning by any persons of solid wastes or debris in any form.

(b) The use of incinerators for the disposal of any form of solid or liquid waste shall be prohibited.

(c) All commercial and industrial establishments which are responsible for the release of air contaminants shall be advised to immediately cease or curtail operations in accordance with predetermined emergency criteria.

(d) The Air Pollution Control Officer shall notify the Humboldt County Board of Supervisors of the emergency condition and request that the necessary evacuation procedures be instituted by the Office of Civil Defense

(8.0) RULE 157 - END OF EPISODE CONDITIONS

The Air Pollution Control Officer shall declare the termination of the appropriate "Alert", "Warning" or "Emergency" whenever the concentration of an air contaminant which caused the declaration of such a situation has been verified to have fallen below the standards set forth in Rule 152 for the calling of such episode and the available scientific and meteorological data indicates that the concentration of such air contaminant will not immediately increase again so as to reach the standards set forth for such alert in Rule 152. The Air Pollution Control Officer shall immediately communicate the declaration of the termination of the episode condition to all persons that had been notified under the procedures specified in 153.

(8.0) RULE 158 - ENFORCEMENT

When an "Alert", "Warning" or "Emergency" has been called, the Air Pollution Control Officer, the Sheriff, Fire Chiefs, their deputies,

and all other peace officers within the Basin shall enforce the appropriate provisions of this Regulation and all orders of the Air Pollution Control Board or the Air Pollution Control Officer made pursuant to this Regulation against any person who having knowledge of the declaration of such a situation, refuses to comply with the rules set forth in this Regulation or any order of the Air Pollution Control Board or the Air Pollution Control Officer made pursuant to this Regulation.

Appendix A

Humboldt Bay Air Basin

For use in these Rules and Regulations the Humboldt Bay Air Basin shall be defined as all those portions of Humboldt County: bounded on the west by the Pacific Ocean; bounded on the north and east by a line extending from Rocky Point, six miles north of Trinidad, to the junction of Little River and the Lower South Fork of Little River; thence due south to Tip Top Ridge; thence southeasterly along Tip Top Ridge to the southernmost summit of Tip Top Ridge north of Korbel, thence southeasterly along a line extending from the southernmost point of Tip Top Ridge to the lookout station at Iaqua Buttes; bounded on the south and east by a straight line extending from the lookout station at Iaqua Buttes to the Mt. Pierce lookout station south of Scotia: bounded on the south by a line following along the crest of Bear River Ridge from the Mt. Pierce lookout station to the Pacific Ocean. All the landmarks and points of reference referred to above and as shown on maps published by the State of California, Department of Natural Resources, Division of Forestry, dated 1949.